

UNITED STATES DISTRICT
COURT WESTERN DISTRICT OF
TEXAS EL PASO DIVISION

ADRIANA CASADO

V.

CONTRERAS TRANSPORT INC.,
FEDEX CORPORATION,
BENITO VERA,

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CIVIL ACTION NO. 3:17-cv-259

JURY DEMAND

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants FedEx Ground Package System, Inc., improperly named herein as FedEx Corporation, FedEx Corporation (improperly named and not a proper party), Contreras Transport Inc. and Benito Vera (“Defendants”) file this notice of removal of this civil action to the United States District Court for the Western District of Texas, El Paso Division. In support of this Notice of Removal, Defendants respectfully show as follows:

1. On July 6, 2017, Plaintiff Adriana Casado filed her Original Petition in Cause No. 2017-DCV2237; *Adriana Casado v. Contreras Transport Inc., FedEx Corporation, Benito Vera* in the County Court at Law Number Five in the County of El Paso County, Texas. Benito Vera was served with the citation and petition on July 18, 2017; Contreras Transport Inc. was served on July 21, 2017; and FedEx Corporation was served on July 18, 2017. Therefore, this notice of removal is timely under 28 U.S.C. § 1446(b).

2. True and correct copies of all documents filed in the county court proceeding are attached hereto and incorporated herein by reference. Attached as Exhibit A to this

Notice of Removal is an index of documents filed in the county court proceeding. Attached as Exhibit B is a list of all counsel of record.

3. Defendants would show that this case is removable under 28 U.S.C. § 1441, and the Court has jurisdiction over this matter, because this suit involves a controversy between citizens of different states and the amount in controversy, exclusive of interests and costs, exceeds \$75,000.00. *See* 28 U.S.C. §§ 1332 and 1441.

4. There is complete diversity between the parties. At the time of the filing of this action, and at the time of removal, Plaintiff was and is a citizen of the State of Texas. Defendant Benito Vera was and is a resident and citizen of California. Contreras Transport Inc. was and is a corporation incorporated under the laws of the State of California with its principal place of business located at 14242 E. Imperial Hwy, La Mirada, CA 90638. FedEx Ground Package System, Inc. was and is a corporation incorporated under the laws of the State of Delaware, with its principal place of business in Coraopolis, Pennsylvania. FedEx Ground Package System, Inc.'s corporate headquarters is located at 1000 FedEx Drive, Moon Township, PA 15108.

5. The matter or amount in controversy in this suit exceeds the sum of \$75,000.00, exclusive of interest and costs. In Plaintiff's Original Petition she affirmatively pleads that she seeks "monetary relief of at least \$100,000.00" *See* paragraph 8 in Plaintiff's Original Petition attached as part of Exhibit A.

6. In her Original Petition, Plaintiff claims that, "as a direct and proximate result" of Defendants alleged negligence, she "has suffered significant personal injuries, bodily impairment, and experienced significant physical pain and mental anguish." *See* Plaintiff's Original Petition, at paragraph 8.

7. Plaintiff has asked for and alleged the following damages:
- (a) Physical injuries;
 - (b) Bodily impairment;
 - (c) Physical pain;
 - (d) Mental anguish;
 - (e) Reasonable and necessary medical expenses;
 - (f) Loss of household services; and
 - (g) Pre-judgment interest from the date of injury at the legal rate; and
 - (h) Post-judgment interest at the legal rate from the date of judgment.

See Plaintiff's Original Petition, at paragraph 8 and the Prayer for Relief to the petition.

8. This Notice of Removal will be provided to Plaintiff by service of a copy upon her counsel of record, in accordance with 28 U.S.C. §1446(d). Further, a copy of this Notice of Removal will be filed with the Clerk of El Paso County, in accordance with 28 U.S.C. §1446(d).

WHEREFORE, PREMISES CONSIDERED, Defendants FedEx Ground Package System, Inc. improperly named herein as FedEx Corporation, Contreras Transport Inc. and Benito Vera respectfully request that this cause, now pending in the County Court at Law Number Five of El Paso County, Texas, be removed from this court and for all other relief to which Defendants may be entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On the 17th day of August, 2017, I electronically submitted the foregoing document with the United States District Court for the Western District of Texas, El Paso Division, using an Electronic Filing System Provider (PACER). I hereby certify that I have served all counsel and/or pro se parties of record electronically, hand delivery/certified mail, return receipt requested and/or facsimile transmission.

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